

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION IMPOSING A \$1.50 SURCHARGE
UPON EACH WIRELESS TELECOMMUNICATION
CONNECTION SUBSCRIBED BY TELEPHONE
SUBSCRIBERS WHOSE BILLING ADDRESS IS
WITHIN THE CITY OF ATLANTA PURSUANT TO
THE AUTHORIZATION GRANTED IN SECTIONS
46-5-133 AND 46-5-134 OF THE OFFICIAL CODE OF
GEORGIA; AND FOR OTHER PURPOSES.**

WHEREAS, the General Assembly has declared that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

WHEREAS, the General Assembly has declared that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from a traditional land line telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of land line telephones currently do; and

WHEREAS, it is the intent of the General Assembly to bring wireless telephone service within the scope of O.C.G.A. Section 46-5-121 and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

WHEREAS, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 *et seq.*), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

WHEREAS, "wireless service supplier" means a provider of wireless service; and

WHEREAS, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

WHEREAS, "wireless enhanced "911" charge" means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911" calls made from a wireless telecommunications connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to subsection (e) of O.C.G.A. 46-5-134; and

WHEREAS, O.C.G.A. Section 46-5-133 authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt a resolution to impose a monthly wireless enhance "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with O.C.G.A. Section 36-80-19, relating to required TDD training for communication officers; and

WHEREAS, O.C.G.A. Section 46-5-134(2)(B) provides that after October 1, 2001 wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber; and

WHEREAS, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

WHEREAS, after July 1, 2002, 30-cents of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve equipment account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account.

THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That pursuant to the authority granted in O.C.G.A. Section 46-5-133 and shall be and is hereby imposed a \$1.50 surcharge upon each wireless telecommunication connection subscribed to by telephone

subscribers whose billing address is within the jurisdiction of the City of Atlanta.

Section 2. That pursuant to O.C.G.A. Section 46-5-133, effective date of the imposition of such surcharge shall be at least 120 days following the date of the adoption of the resolution imposing the charge; the \$1.50 surcharge shall become effective the first day of the month following the 120-day period.

Section 3. That pursuant to O.C.G.A. Section 46-5-134, Service Supplier(s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

Section 4. That pursuant to O.C.G.A. Section 46-5-134(d), the Service Supplier(s) shall retain as an administrative fee an amount equal to 3% of gross wireless enhanced "911" charge receipts to be remitted to the City.

Section 5. That all funds collected by the Service Supplier(s) and remitted to the City shall be deposited to and paid into the following accounts. The 30 cents shall be deposited into Fund Account Center 3P02 442107 G11K01109999 with all remaining monies to be deposited into Fund Account Center 1B03 442106 T31K01109999.

TRANSMITTAL FORM FOR LEGISLATION
(For Review & Distribution To Executive Management)

To Mayor's Office: Greg Pridgeon, Chief of Staff

Commissioner Signature: _____

Director Signature: *Richard H. B...*

Originating Department: Office of General Services

Contact (name): F. C. "Chick" Vossen *FW*

Committee(s) of Purview: Finance/Executive

Committee Deadline:

Committee Meeting Dates(s): February 26, 2003

City Council Meeting Date:

CAPTION: A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION IMPOSING A \$1.50 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED BY TELEPHONE SUBSCRIBERS WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 AND 46-5-134 OF THE OFFICIAL CODE OF GEORGIA; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The FCC wireless 911 rules seek to improve the reliability of wireless 911 services and to provide emergency services personnel with location information that will enable them to locate and provide assistance to wireless 911 callers more quickly. The City adopted Phase I Wireless 911 service in June 1998. This Resolution allows the City to adopt Phase II Wireless 911 service, which will provide a location accuracy of 50 meter accuracy 67% of the calls and 150 meters 95% of calls.

FINANCIAL IMPACT (if any):

It is estimated that this legislation will increase revenues to the Wireless 911 Emergency Telephone System Fund by \$116,524 in 2003.

Mayor's Staff Only

Received by Mayor's Office: _____

2/11/03

(date)

Reviewed by: _____

JS

(initials)

(date)

Submitted to Council: _____

(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended